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AUG 09 2005

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of  
Burbank et al.

Examiner: C. A. Marmor, II

Group Art Unit: 3736

For: **ELECTROSURGICAL BIOPSY  
DEVICE AND METHOD**

Serial No.: 10/650,027

**REQUEST FOR CONTINUED  
EXAMINATION UNDER  
37 CFR §1.114**

Filed: August 27, 2003

Atty. Docket No.: R0367-00302

**CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that this correspondence is being transmitted by facsimile to Examiner C. A. Marmor, II at (571) 273-8300, Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 8-9-05 in San Francisco, CA.

By: *[Signature]*

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for continued examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**1. Submission required under 37 C.F.R. § 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.

iii. ☐ Other: \_\_\_\_\_.

b. ☒ Enclosedi. ☒ Amendmentii. ☐ Affidavit(s)/Declaration(s)iii. ☐ Information Disclosure Statement (IDS)iv. ☒ Other: Request for Extension of Time under 37 CFR 1.17(a)(2)

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*pgs 4,5 weren't received*

2. **Filing Fees**

Description	Fee Code	Claims	Extra	Rate	Fee
RCE Fee	2801				\$395.
Independent Claims	2201	5 - 3 =	2	\$100.=	200.
Total Claims	2202	32 - 20 =	12	\$25.=	300.

Total Filing Fees Due.....\$895

3. Additional fees: Request for Extension of Time for two (2) months from June 9, 2005 to August 9, 2005 pursuant to 37 CFR 1.17(a)(2).....\$225

Total: \$1,120

4. **Payment of Fees**

/X/ The Commissioner is hereby authorized to charge any deficiency of fees and to credit any overpayment of fees which may be required under 37 CFR §1.16 and §1.17, to Deposit Account No. 04-1679, referencing Atty. Docket No. R0367-00302. A duplicate copy of this sheet is enclosed for this purpose.

5. **Address all future communications to:**

Edward J. Lynch  
DUANE MORRIS LLP  
One Market  
Spear Tower, Suite 2000  
San Francisco, CA 94105

6. **Other documents enclosed herewith:**

/X/ Supplemental Associate Power Of Attorney.

Respectfully submitted,

By: 

Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

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